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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FRITZ DETTMANN et al.

Serial No.: 09/936,087

Filed: September 6, 2001

International Application No.: PCT/EP00/01859

International Filing Date: March 3, 2000

For: SYSTEM FOR WRITING MAGNETIC
SCALES

PETITION FOR CORRECTING INVENTORSHIP

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: PCT

Dear Sir:

Applicant in the above-identified application hereby petitions the Commissioner to correct the inventorship. Applicant makes this petition based upon the facts below:

(1) The above-identified application was filed in the U.S. Patent Office on September 6, 2001 as a National Stage application under 35 USC 371 based upon the PCT Application No. PCT/EP00/01859.

(2) This PCT application claims the Paris Convention priority based upon two German patent applications: 199 09 889.1 and 199 40 164.0; and each of these two German patent applications involves four inventors: Fritz Dettmann, Uwe Loreit, Carsten Möller and Torsten Schönbach. So as to prove this matter, a copy of the front page of the publication of the German Patent Application No. 199 40 164.0 that shows all four inventors is enclosed (199 09 889.1 was automatically deemed abandoned at the time of filing of 199 40 164.0 since it was the basis of the domestic priority, according to German Patent Law, and therefore, no copy of the publication is available). In view of the above, the PCT application based upon the German applications was

supposed to be filed by all four (4) inventors who were the inventors of the German applications.

(3) However, upon filing the PCT application, two inventors were inadvertently omitted in the PCT application, and they were not listed in the PCT Request. The inventors not named in the Request are Carsten Möller and Torsten Schönbach.

(4) These two inventors were found not listed in the Request when other two inventors listed in the Request were going to sign the Declaration and Power of Attorney that is to be filed in the U.S. Patent Office as required by 35 USC 371(c)(4). More specifically, a Declaration and Power of Attorney which is to be filed in the U.S. Patent Office and is filled with necessary information therein were presented to the two listed inventors, Fritz Dettmann and Uwe Loreit, for their signatures; and at that occasion, they found that the other two inventors' names were not on the Declaration form and thus recognized that the PCT application was filed with error with only two inventors and without other two inventors therein despite the fact that the basic two German applications were filed by the true and original four inventors.

(5) In view of the above, all four (4) inventors dated and executed the Declaration and Power of Attorney to be filed in the U.S. Patent Office, and such a Declaration and Power of Attorney, including the basic PCT application number and PCT application filing date, is filed together with this Petition (a copy of the Declaration attached hereto). It is noted that the Declaration and Power of Attorney does not contain U.S. application number and date. However, the Declaration and Power of Attorney contains the basic PCT application number and thus it is clear that the Declaration and Power of Attorney is executed for the present U.S. application.

(6) In view of the above and in light of 37 CFR 1.48(f) that provides "If the correct inventors are not named on filing a non-provisional application ... without an executed ... declaration under §1.63, the later submission of an executed ... declaration under §1.63 during the pendency of the application will act to correct the earlier identification of inventorship," and it is respectfully requested that the Patent Office record four inventors, Fritz Dettmann, Uwe Loreit, Carsten Moller and Torsten Schonbach, for the above-identified application and examine the application thereupon.

(7) Enclosed herein please charge our check for \$130.00 to cover the required petition fee. Please charge any additional costs incurred by or in order to implement this petition or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

The undersigned declares that all statements made herein are of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KODA AND ANDROLIA

By 

William L. Androlia

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⑨ **BUNDESREPUBLIK
DEUTSCHLAND**



**DEUTSCHES
PATENT- UND
MARKENAMT**

⑫ **Offenlegungsschrift**
⑩ **DE 199 40 164 A 1**

⑤ Int. Cl.⁷:
H 01 F 13/00
H 03 K 3/53
// G 01 B 7/02, 7/30

⑲ Aktenzeichen: 199 40 164.0
⑳ Anmeldetag: 25. 8. 1999
㉑ Offenlegungstag: 7. 9. 2000

⑥ Innere Priorität:
199 09 889. 1 06. 03. 1999

⑦ Anmelder:
Institut für Mikrostrukturtechnologie und
Optoelektronik (IMO) e.V., 35578 Wetzlar, DE

⑦ Erfinder:
Dettmann, Fritz, Dr., 35586 Wetzlar, DE; Loreit, Uwe,
35580 Wetzlar, DE; Möller, Carsten, 35394 Gießen,
DE; Schönbach, Torsten, 65614 Beselich, DE

Die folgenden Angaben sind den vom Anmelder eingereichten Unterlagen entnommen

⑤ Anordnung zum Schreiben magnetischer Maßstäbe

⑤ Es wird eine Anordnung zur Impulsmagnetisierung von hochgenauen magnetischen Maßstäben beschrieben, die aus einem geformten Stromleiter und einer Impulsstromquelle, die aus einer Kondensatorbatterie, einem Umschalter und einer Steuereinheit zusammengesetzt ist, besteht. Der kompakte Aufbau der Anordnung ist Voraussetzung für einen so niederohmigen Stromkreis, daß die erforderlichen hohen Impulsströme bei Versorgungsspannungen unter 60 V erhalten werden. Der Umschalter ist eine H-Brücke mit vier Schaltern, die je gleich viele parallel geschaltete MOS-Transistoren enthalten. Die mit den MOS-Transistoren möglichen kurzen Impulszeiten machen den Einsatz geformter Stromleiter möglich, mit denen magnetisierte Bereiche mit hoher Genauigkeit hergestellt werden können. Die mit der Anordnung mögliche Einsparung an Masse, elektrischer Energie und Zeit liegt jeweils bei einem Faktor 100.

DE 199 40 164 A 1

**SENSE
199 40 164 A 1**

DECLARATION
and POWER OF ATTORNEY

☒ ORIGINAL
☐ CONTINUATION
☐ DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed as 1 below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM FOR WRITING MAGNETIC SCALES.

the specification of which is attached hereto unless the following box is checked:

☒ was filed on _____ as United States Application Number or PCT International Application Number _____
and was amended on _____

My residence, post office address and citizenship are as stated below next to my name.

I acknowledge my duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119
Germany	199 09 889.1	March 6, 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Germany	199 40 164.0	August 25, 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

PCT/EP 00/01859

March 3, 2000

Pending

(Application Serial No.)

(Filing Date)

(Status)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

WILLIAM L. ANDROLIA, Reg. No. 27,177; H. HENRY KODA, Reg. No. 27,729.

Send correspondence to:

KODA & ANDROLIA
2029 Century Park East, Suite 3850
Los Angeles, CA 90067-3024

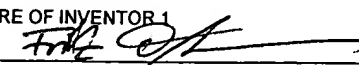



DIRECT TELEPHONE CALLS TO:

KODA & ANDROLIA
310-277-1391

(Please Print)

1	Name of Inventor FRITZ DETTMANN	Residence: CITY Wetzlar	STATE or COUNTRY Germany
	Post Office Address Altwaterweg 4, D-35586, Wetzlar, Germany		CITIZENSHIP Germany
2	Name of Inventor UWE LOREIT	Residence: CITY Wetzlar	STATE or COUNTRY Germany
	Post Office Address Theutbirgstr. 4, D-35580, Wetzlar, Germany		CITIZENSHIP Germany
3	Name of Inventor Carsten Möller	Residence: CITY Gießen	STATE or COUNTRY Germany
	Post Office Address Anneröderweg 70, D-35394 Gießen		CITIZENSHIP
4	Name of Inventor Torsten Schönbach	Residence: CITY Obertiefenbach	STATE or COUNTRY Germany
	Post Office Address Georg-Wagner-Str. 10, D-65614 Obertiefenbach		CITIZENSHIP

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1 	SIGNATURE OF INVENTOR 2 
DATE Sept. 18, 2001	DATE 18. Sept. 2001
SIGNATURE OF INVENTOR 3 	SIGNATURE OF INVENTOR 4 
DATE 18. Sept. 2001	DATE 20. Sept. 2001

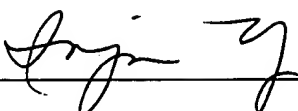
I hereby certify that this correspondence is being deposited with the United States Postal

Service as Express Mail No. EV010400087US addressed to:

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

on November 21, 2001 by Inja Yi.

Dated: 11/21/01

By: 

785A 3140 PCT

SCHUBERT

Inventor(s):

FRITZ DETTMANN, UWE LOREIT, CARSTEN MÖLLER AND
TORSTEN SCHÖNBACH

For:

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